

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

MICHAEL HOLTSINGER

Plaintiff,

No. CIV S-03-0732 MCE CMK P

vs.

J.M. BRIDLE, et al.,

Defendants.

ORDER

Plaintiff is a state prisoner proceeding pro se and in forma pauperis with this civil rights action seeking relief pursuant to 42 U.S.C. § 1983. Currently before the court is plaintiff's motion for the court to pay for plaintiff to obtain a copy of the transcript from his March 10, 2005 deposition, or in the alternative, to direct defendants to provide plaintiff with a copy. Plaintiff requests a copy of the transcript to "review...prior to the certification of the transcripts."

Under the circumstances of this motion, plaintiff is not entitled to a copy of the reporter's transcript at either the public's or the defendants' expense. See, e.g., 28 U.S.C. § 753 (pro se litigant proceeding in forma pauperis is entitled to production of transcript if trial judge or

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1 circuit judge determines that appeal is not frivolous); 28 U.S.C. § 1915(a) (permitting court to  
2 waive payment of its own costs, but not empowering the court to order any affirmative  
3 expenditure of funds for plaintiff).

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5 IT IS ORDERED that plaintiff's motion for transcripts is denied.

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7 DATED: April 22, 2005

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10 /s/ CRAIG M. KELLISON  
11 Craig M. Kellison  
12 UNITED STATES MAGISTRATE JUDGE  
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